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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/909,014
		Filing Date	7/20/2001
		First Named Inventor	E. S. KEMENY
		Group Art Unit	1761
		Examiner Name	STEVEN L. WEINSTEIN
Total Number of Pages in This Submission	3	Attorney Docket Number	-

ENCLOSURES (check all that apply)

- Fee Transmittal Form
- Fee Attached
- Amendment / Reply
 - After Final
 - Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Assignment Papers (for an Application)
- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) _____

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):

Remarks

PLEASE NOTE:
PETITION APPROVED FOR THIS CASE
TO ADVANCE PROSECUTION ON AGE

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name EMANUEL S. KEMENY
Emanuel S. Kemeny

Signature

Date

5-6-02

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Species I, wherein the segment dividers are frangible scored line markers; and

Species A, wherein the frangible lengthwise divider is a deeply scored line.

As a result, the following claims remain for prosecution:
Claims 1, 2, 3, 6, and 8 thru 15.

B. The Restriction is hereby Traversed, for the following reasons:

1. All the species claims under Claims 1 and 2 depend from Claim 1, and thereby include the essential elements of the "generic" invention, ie: "A meal-equivalent food bar comprising segment dividers which divide the bar into segments corresponding to plural courses of a meal..." -- thereby providing a "generic" claim per 37 CFR 1.141.

2. Although it can be argued that claim 1 is the broadest claim, and claim 2 is the generic claim, it is a moot point because all the species claims depend from claim 1; and further, since the restricted species claims will be searched by the examiner, hopefully this will allow search and examination of all the species claims without serious burden on the examiner (please see MPEP 803, second paragraph).

C. On New Matter

1. The Examiner states (page 3): "The amended calorie ratio "55-15-30" appears new matter, originally the ratio 50-15-30."

Response: To the contrary, the change merely corrects an obvious typographical error in the background information because any "%Calorie distribution" of nutrition values must, as is commonly known, add up to 100%, -- which the original 50%-15%-30% does not; and further, the corrected value (55%) is the standard value recommended by the FDA and the American Diabetic Association as stated in the original disclosure.

Emanuel S. Kemeny
Emanuel S. Kemeny

Applicant

Date: *5-10-02*

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05-07-02
(OW)

To: USPTO
Assistant Commissioner for Patents
Group Director/Art Unit 1761
Examiner Steven L Weinstein

In re Application of
EMANUEL S. KEMENY
Serial No. 09/909,014
MEAL-EQUIVALENT FOOD BAR
Filed 7/20/2001

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PLEASE NOTE:

THIS CASE HAS BEEN APPROVED FOR EXPEDITED EXAMINATION
UNDER AN APPROVED PETITION TO ADVANCE PROSECUTION ON AGE.

RESPONSE TO EXAMINER ACTION

RESTRICTION REQUIREMENT DATED 5/1/02

Applicant appreciates the Examiner's carefully-detailed action, and the early response to the Petition on Age.

A. Under 35 USC 121

1. Responsive to the Examiner's Restriction Requirement for Election of Claims to "one species of segment divider and one species of frangible lengthwise divider," -- the species are elected as follows: